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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FILE, ERIN M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/964,820

Applicant(s)

LEEPER, DAVID G.

Examiner

Erin M. File

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-12,14-17 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,14-17 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 6, 8, 11, 12, and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Callaway, Jr. et al. (U.S. Patent No. 6,275,500).

**Claim 1**, Callaway discloses:

- polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device (col. 6, lines 1-2) ;
- polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device (the first slave which is polling the second slave is acting as a master device which is polled by the master device, abstract, lines 11-16).

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**Claim 2**, Callaway further discloses the polling of first master transmitting device is performed on a transmitting device across a local area network (Callaway discloses using Personal Area Networks, a subgroup of Local Area Networks, col. 1, lines 13-15).

**Claim 3**, Callaway further discloses polling the first master transmitting device includes polling the first master transmitting device with a wireless communication (fig. 2, col. 2, lines 14-15).

**Claim 5**, Callaway further discloses informing the first master transmitting device of communication characteristics of the hopping sequence of the second master transmitting device (col. 3, lines 23-30).

**Claim 6**, Callaway further discloses informing the first master transmitting device of communication characteristics of the hopping sequence of the second master transmitting device (abstract, lines 11-13).

**Claim 8**, Callaway further discloses polling the first master transmitting device includes polling a device selected from the group consisting of an access point, a base station, a network node, and a terminal (the transceiver as disclosed in abstract, line 1, could be interpreted as including any of a network node, an access point, or a terminal).

**Claims 11, 12**, Callaway further discloses changing the hopping sequence of the first master transmitting device or slave device so that the first master transmitting device can communicate with a slave transmitting device (abstract, lines 11-13, designating the parameters can be interpreted as changing them, as they are changed from what they were to what they are designated as).

**Claim 14**, Callaway discloses:

- notifying a first master of the hopping sequence of the slave with a second master (abstract, lines 11-13);
- polling the first master to determine if the first master is receiving a signal from the slave device (abstract, lines 14-16).

**Claims 15**, Callaway further discloses polling the first master includes transmitting a packet over the network (col. 1, line 37).

**Claim 16**, Callaway further discloses polling the first master includes a wireless transmission (fig. 2, col. 2, lines 14-15).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway, Jr. et al. (U.S. Patent No. 6,275,500) as applied to claims 1, 8, and 14 above, and further in view of Trampower et al. (U.S. Patent No. 6,088,591).

**Claims 7, 9**, Callaway fails to disclose transferring responsibility to provide communication between a network and a slave transmitting device from the second master transmitting device to the first master transmitting device, however, Trampower discloses the method of handing over a mobile terminal from one base station to another (col. 9, lines 47-51) after hopping sequences have been exchanged (col. 21,

lines 7-60). Because Trampower discloses his invention allows for reduced downtime in handoff and frequency allocation operations (abstract, lines 1-5) it would have been obvious to one skilled in the art at the time of invention to incorporate the invention as disclosed by Trampower into Callaway.

**Claims 10, 17**, Calloway fails to disclose polling the first master transmitting device includes updating a table of near neighbors, however, Trompower et al describes the updating of roaming tables of mobile stations, which in turn update other base stations and terminals after handoff (col. 24, lines 21-43). Therefore "neighboring" base station tables are updated using this method. Because Trampower discloses his invention allows for reduced downtime in handoff and frequency allocation operations (abstract, lines 1-5) it would have been obvious to one skilled in the art at the time of invention to incorporate the invention as disclosed by Trampower into Callaway.

6. Claims 23 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway, Jr. et al. (U.S. Patent No. 6,275,500) in view of Sorenson (U.S. Patent No. 7,016,336).

**Claim 23**, Callaway discloses:

- notifying a first master of the hopping sequence of the slave with a second master (abstract, lines 11-13);
- polling the first master to determine if the first master is receiving a signal from the slave device (abstract, lines 14-16).

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Callaway fails to disclose a storage medium having stored thereon instructions however, Sörenson discloses a storage medium having stored instructions for executing functions (col. 5, line 62-col. 6, line 9). Because using a computer for executing the functions of the invention as disclosed by Callaway has the advantages of ease of implementation and relatively short times to market, it would be obvious to one skilled in the art at the time of invention to incorporate the

**Claim 24**, Callaway further discloses polling the first master includes transmitting a packet over the network (col. 1, line 37).

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway, Jr. et al. (U.S. Patent No. 6,275,500) and Sörenson (U.S. Patent No. 7,016,336) as applied to claim 23 above, and further in view of Trampower et al. (U.S. Patent No. 6,088,591).

**Claim 25**, although neither Calloway nor Sörenson disclose determining if a signal strength between the slave and the second master is approaching a predetermined threshold, Trompower describes a method of handing off a mobile terminal once the signal strength falls below a threshold value (col. 31, lines 44-48; Col. 29, lines 5-46). Because Trampower discloses his invention allows for reduced downtime in handoff and frequency allocation operations (abstract, lines 1-5) it would have been obvious to one skilled in the art at the time of invention to incorporate the invention as disclosed by Trampower into Callaway.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is (571)272-6040. The examiner can normally be reached on M-F 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Erin M. File

EMF

9/16/2006

  
MOHAMMED GHAYOUR  
SUPERVISORY PATENT EXAMINER